IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

HUMANA INC., and AMERICANS FOR BENEFICIARY CHOICE,

Plaintiffs,

v.

Civil Action No. 4:24-cv-01004-O

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; CENTERS FOR MEDICARE & MEDICAID SERVICES; DOROTHY FINK, in her official capacity as Acting Secretary of Health and Human Services; and STEPHANIE CARLTON, in her official capacity as Acting Administrator of the Centers for Medicare & Medicaid Services,

Defendants.¹

DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Defendants, United States Department of Health and Human Services, United States Centers for Medicare and Medicaid Services, Dorothy Fink, as Acting Secretary of Health and Human Services, and Stephanie Carlton, as Acting Administrator of Centers for Medicare and Medicaid Services, file this response in opposition to Plaintiffs' Motion for Summary Judgment, ECF No. 34.

_

¹ Xavier Becerra has been substituted with Dorothy Fink as Acting Secretary of the United States Department of Health and Human Services, and Chiquita Brooks-LaSure has been substituted with Stephanie Carlton as Acting Administrator of the Centers for Medicare & Medicaid Services, pursuant to Federal Rule of Civil Procedure 25(d).

This response is accompanied by a consolidated brief that contains the contents required by Local Civil Rule 56.4(a).

CHAD E. MEACHAM
ACTING UNITED STATES ATTORNEY

/s/ Andrea Hyatt

Andrea Hyatt Assistant United States Attorney Texas Bar No. 24007419 Burnett Plaza, Suite 1700 801 Cherry Street, Unit #4 Fort Worth, Texas 76102-6882 Telephone: 817.252.5230

Fax: 817.252.5458

Andrea.Hyatt@usdoj.gov

Attorneys for Defendants

Certificate of Service

On February 7, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Andrea Hyatt

Andrea Hyatt
Assistant United States Attorney